

Appl. No. 09/809,483  
Amdt. dated 9/6/05  
Reply to Office action of 5/10/05  
Page 4

### REMARKS

#### **I. Claim Rejections – 35 USC § 112**

Claims 2 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2 and 12-13 recite the limitations for which there is no antecedent basis in the claims.

In view of the cancellation of these claims, the rejection is moot.

#### **II. Claim Rejections – 35 USC § 102**

Claims 1-9, 16, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Snell (US 6,249,705 B1). These claims have been cancelled. However, new claims 22-28 are also drawn to a data communications server system.

Snell concerns a distributed system of network programmers for use with implantable medical devices connected to a network server with a database which can be accessed over an internet connection protocol. Nowhere in Snell is there a disclosure of a data communications server system having a communications portal resident on a server and accessed over an information network to present information associated with an individual implantable medical device patient, wherein the portal includes the following:

- means for making a user log-in to the communications portal;
- means for making a user verification;
- means for presenting a customized web page;
- means for accessing implantable medical device, patient medical records, and patient lab records databases over the information network; and
- means for integrating accessible databases through user selectable links.

Accordingly, Snell fails to anticipate new claims 22-28.

Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Bardy (US 6,331,160 B1). Claim 17 has been cancelled and the rejection is moot.

Appl. No. 09/809,483  
Amdt. dated 9/6/05  
Reply to Office action of 5/10/05  
Page 5

### III. Claim Rejections – 35 USC § 103

Claims 10-11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell (US 6,249,705 B1) as applied to claims 4, 7, 9 and 19 above, in view of Bardy (US 6,331,160 B1).

The rejected claims have been cancelled and the rejections are now moot.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell (US 6,249,705 B1) in view of Bardy (US 6,331,160 B1) as applied to claims 10-11 above, and further in view of Tan et al. (US 2001/0045451 A1).

The rejected claims have been cancelled and the rejections are now moot.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bardy (US 6,331,160 B1) as applied to claim 17, in view of Snell (US 6,249,705 B10).

The rejected claims have been cancelled and the rejections are now moot.

### IV. Conclusion

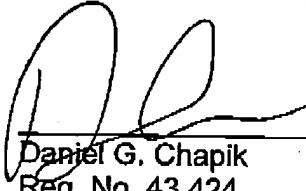
The claims to the data communications server system of the present invention have been recast to focus on the novel aspect of a communications portal resident on a server and accessed over an information network to present information associated with an individual implantable medical device patient. Applicants submit that the new claims being submitted distinguish over the cited references. Further, Applicants request that a notice of allowance be issued.

Respectfully submitted,

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